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**OFFICE OF PETITIONS**

In re Application of

Lace

Application No. 10/053,440

Filed: 17 January, 2004

Attorney Docket No.: 0155.00030

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DECISION ON PETITION

This is a decision on the petition (styled originally as a "Request for Corrected Filing Receipt") filed originally on 27 August, 2002, with subsequent filings on 13 November, 2002, and 12 March, 2004 (and a Status Request on 23 June, 2004), as to an application filed via US Postal Service (USPS) Express Mail and considered under 37 C.F.R. §1.10, and d seeking for the above-identified application a filing date of 17 January, 2002, instead of the presently accorded filing date of 18 January, 2002.

The Office regrets the delay in addressing this matter.

The petition is **GRANTED**.

**BACKGROUND AND ANALYSIS**

The record reflects that:

- the instant application was received and given a filing date of 18 January, 2002;
- Petitioner's initial request "to correct" the filing date was submitted on 27 August, 2002 (it appears that Petitioner did not address this matter immediately following the mailing of the Notice to File Missing Parts on 13 February, 2002), and was rejected by the Office in a response mailed on 13 December, 2002;

- Petitioner proceeded with prosecution, and appears not to have addressed the 13 December 2002, mailing until 12 March, 2004;
- the materials submitted by Petitioner include a copy of a USPS "Pickup Service Statement identifying a package with the USPS Express Mail Label No. EL830948020US and initialed and dated 17 January, 2002, by the carrier; a copy of the USPS Express Mail Label No. EL830948020US with a date and time indicated as "1/18/02" and "0230 a.m.," respectively (emphasis supplied);
- a review of the record indicates that the application transmittal form set forth that the papers were transmitted in the package bearing USPS Express Mail Label No. EL830948020US.

Thus, it appears that after the pick up by the USPS carrier on 17 January, 2002, the "Date In" was completed by USPS personnel in the early morning hours of 18 January, 2002.

Accordingly the petition hereby is **granted**.

The petition fee (\$130.00) is not waived because the error was not that of the Office, and therefore is charged as authorized by Petitioner to Deposit Account 02-2712.

The instant file is released to OIPE to correct the filing date so as to accord to the instant application a filing date of 17 January, 2002, and to mail to Petitioner a corrected filing receipt reflecting a filing date of 17 January, 2002.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions